

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MARIBELL OSNAYO-LYTLE
5907 Baltimore Drive
Marlton, NJ 08053

Plaintiff

v.

NEW JERSEY SCHOOLS
DEVELOPMENT AUTHORITY
32 East Front Street, P.O. Box 991
Trenton, NJ 08625-0991

and

LIZETTE DELGADO-POLANCO
32 East Front Street, P.O. Box 991
Trenton, NJ 08625-0991

Defendants

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, Maribell Osnayo-Lytle, by and through her attorneys, Derek Smith Law Group, PLLC, hereby bring the following claims and allegations against Defendant, New Jersey Schools Development Authority (“NJSDA”), and Defendant, Lizette Delgado-Polanco, for discrimination, disparate treatment, and retaliation in violation of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §2000e *et. seq.*, the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. §621 *et. seq.*, the New Jersey Law Against Discrimination (“NJLAD”), N.J.S.A. §10:5-1 *et. seq.*, and in violation of the Conscientious Employee Protection Act (“CEPA”), N.J.S.A. §34:19-1 *et. seq.*

Plaintiff alleges and avers in support thereof:

Parties

1. Plaintiff, Maribell Osnayo-Lytle, is an adult Asian-American female individual, with a white skin complexion, approximately forty-eight (48) years of age, and who at all times relevant was an employee and the Director of Human Resources for Defendant, New Jersey Schools Development Authority, and therefore subordinate to Defendant Lizette Delgado-Polanco.

2. Defendant, New Jersey Schools Development Authority (“NJSDA”), is an entity, organization, and/or state agency duly existing under the laws of the State of New Jersey, responsible for fully funding and managing the new construction, modernization, and renovation of school facilities projects in 31 school districts in the State of New Jersey.

3. Defendant, Lizette Delgado-Polanco, is an adult Hispanic female individual, with a darker skin complexion, who was, at all times relevant, the Chief Executive Officer of Defendant NJSDA and therefore authorized to make material decisions over Plaintiff’s employment including hire, fire, promote, demote, and/or other material decisions.

4. At all times relevant, Defendant NJSDA agreed, accepted, adopted, acquiesced, and/or was otherwise bound by the actions and omissions of its owners, officers, managers, supervisors, employees, and agents, including Defendant Delgado-Polanco.

Jurisdiction, Venue, and non-Jurisdictional Prescriptions

5. Subject matter jurisdiction is proper with this Court as the action involves Federal Question jurisdiction, 28 U.S.C. §1331, and the Court has supplemental jurisdiction, 28 U.S.C. §1367, over the State Law causes of action.

6. Venue is proper before this Court as Defendants’ reside and operate a business in Mercer County, in the State of New Jersey, which is within the respective jurisdiction of the Trenton Division (i.e. Hunterdon, Mercer, Monmouth, Ocean, Somerset, Southern Middlesex, and

Warren Counties).

7. Plaintiff exhausted her administrative remedies and thus fulfilled non-jurisdictional prescriptions by having dual filed Charges of Discrimination with the Equal Employment Opportunity Commission and New Jersey Division on Civil Rights and having received a Notice of Right to Sue.

Summary of Relevant Facts

8. Plaintiff was employed by Defendant NJSDA from around April of 2007 to November 2, 2018 and was most recently employed as Director of Human Resources earning \$127,800.00 annually, with benefits, and amenities of employment.

9. Plaintiff was employed in Human Resources throughout her career with Defendant NJSDA and was the acting Director of Human Resources for approximately a year before she was promoted to the Director position on August 16, 2018.

10. Plaintiff received “more than satisfactory” job performances evaluations.

11. Plaintiff maintained employment during the transitions of three (3) Governors of the State of New Jersey and four (4) Chief Executive Officers of Defendant NJSDA.

12. On August 1, 2018 Defendant Lizette Delgado-Polanco became the Chief Executive Officer of Defendant NJSDA.

13. In Plaintiff’s three (3) months of employment under Defendant Delgado-Polanco, Plaintiff was tasked with terminating around 19 employees and hiring and onboarding around 31 employees.

14. During the brief dual tenures of Defendant Delgado-Polanco and Plaintiff, Defendant Delgado-Polanco made statements that Plaintiff was not part of the same protected class

as Defendant Delgado-Polanco, when it came to race and color.

15. On several occasions, Defendant Delgado-Polanco told Plaintiff she was not her first choice for Director of Human Resources, and she had one of her “own people” in mind.

16. Defendant Delgado-Polanco stated to Plaintiff that another employee did not know how to deal with black women and then said he might treat Plaintiff differently than he treats “us” as Defendant Delgado-Polanco motioned to herself and a few Hispanic, Dominican, African American and darker complexioned individuals.

17. Defendant Delgado-Polanco often mentioned the plight of African American and black women, and specifically made this reference when she returned an African American/black employee to work after Plaintiff was involved in the termination of the employee, which was well documented and very deserving.

18. Defendant Delgado-Polanco also showed favoritism toward Hispanic and African American/black individuals (non-Asian American) in hiring individuals.

19. In furtherance of bringing in her “own people” and thus primarily Hispanic, African American, black, and/or darker complexioned individuals, Defendant Delgado-Polanco violated NJSDA Policy 410 for internal and external hiring.

20. Plaintiff originally disputed and disagreed with the manner in which Defendant Delgado-Polanco was directing the hiring of individuals and the violations of NJSDA Policy 410.

21. Plaintiff was told to not dispute or disagree with hiring decisions.

22. Plaintiff was told in words and substance to distance herself from the Ethics liaison, Jane Kelly.

23. In violation of NJSDA Policy 410, primarily Hispanic, African American, black,

and/or darker complexioned individuals were hired with:

- a. Job descriptions and requisition largely not completed before hiring;
- b. Job vacancies not posted internally or externally;
- c. No interview; and,
- d. Executive managers and supervisors not involved.

24. Many of the new hires were not qualified.

25. The new hires were given excessive salaries and were placed into brand new roles that did not previously exist and/or elevated roles within the structure.

26. Additionally, some of the new hires were in violation of anti-nepotism rules.

27. Plaintiff disputed all the foregoing but she was told in frank terms by former Chief of Staff Albert J. Alvarez and by Defendant Delgado-Polanco that when she is/was handed a resume, the person is hired.

28. Defendant Delgado-Polanco then told Plaintiff to delay filing quarterly salary information under Executive Order 8 for days and weeks beyond the deadline as that filing would disclose the new and elevated salaries that were being offered at Defendant NJSDA.

29. One of Defendant Delgado-Polanco's new hires was Miguelina Diaz, as Deputy Director of Human Resources.

30. Ms. Diaz is significantly younger than Plaintiff and Hispanic and/or darker complexioned and thus outside of Plaintiff's protected class.

31. Ms. Diaz did not have the requisite experience to be a deputy Director of Human Resources.

32. Soon, however, Plaintiff was being left out of meetings and decisions, and instead

Ms. Diaz was attending the meetings and being informed of decisions from the top.

33. There were lunches and coffee breaks in Defendant Delgado-Polanco's office for which Plaintiff was not invited, but Ms. Diaz was invited.

34. It became clear to Plaintiff that Defendant Delgado-Polanco was replacing Plaintiff with Ms. Diaz.

35. On or about October 25, 2018 Plaintiff verbally complained to Chief Operating Officer Andrew D. Yosha about the following:

- a. that she was being discriminated against on the basis of age, race, and color;
- b. she was being pushed out of her job and being replaced by the younger and Hispanic/darker complexioned Ms. Diaz who was not qualified;
- c. that Defendants were violating hiring procedures, hiring at excessive salaries, hiring to positions for which the employee was not qualified, hiring based on race/color, hiring in violation of nepotism rules/laws, and similar complaints about wrongful hiring practices;
- d. that Defendants wrongly required Plaintiff to delay the filing of a quarterly salary report under Executive Order 8; and,
- e. that Plaintiff was wrongly being required to stay away from Jane Kelly and not to speak with her about the foregoing.

36. On information and belief, Mr. Yosha informed Defendant Delgado-Polanco of Plaintiff's complaints and other individuals resulting in Defendant Delgado-Polanco's knowledge.

37. Defendants terminated Plaintiff on November 2, 2018 (8 days later) and replaced her with Ms. Diaz.

38. Plaintiff disputes the reasons proffered for her termination as pretext to discrimination, retaliation, and/or other violations as alleged herein.

39. Plaintiff disputes the reasons proffered for her termination as pretext to retaliation for her complaints regarding the rule violations and unethical conduct occurring.

40. The temporal proximity of Plaintiff's complaint to her termination is unusually suggestive to raise an inference of retaliation and/or sufficient evidence exists of animus and antagonistic treatment to support that Plaintiff was subject to retaliation.

41. Even after Plaintiff's termination, Defendants continued with unethical hiring practices as alleged herein.

COUNT ONE
Race/Color Discrimination and Disparate Treatment
Civil Rights Act of 1964 ("Title VII") 42 U.S.C. § 2000e-2
Plaintiff v. Defendant NJSDA

42. Plaintiff incorporates the foregoing paragraphs as if set forth at length herein.

43. Defendant NJSDA is an employer under 42 U.S.C. § 2000 *et. seq* as it is engaged in an industry affecting commerce and has 15 or more employees for each working day in each of 20 or more calendar weeks, in the current or preceding calendar year.

44. Plaintiff is a person and thus is protected under 42 U.S.C. §2000 *et. seq.* and has a protected class in her race and color.

45. Under 42 U.S.C. § 2000e-2 it shall be an unlawful employment practice for an employer – “to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin.”

46. At all times, Plaintiff was qualified and capable for her position.

47. Defendant NJSDA discriminated against and disparately treated Plaintiff with respect to discipline and termination.

48. Defendant NJSDA disparately treated Plaintiff with regard to attending meetings and by denying her involvement in decisions for which Plaintiff should have been involved.

49. Defendant NJSDA disparately treated and discriminated against Plaintiff by removing her job duties and responsibilities, including Plaintiff's roles in the established / approved hiring process.

50. Defendant NJSDA, by and through its employees, made comments and remarks to Plaintiff that support Defendant NJSDA's actions were motivated by discrimination.

51. Defendant NJSDA terminated and replaced Plaintiff with a person outside her protected class in race and color.

52. As a direct and proximate result of Defendant NJSDA's disparate treatment and discrimination, Plaintiff has suffered loss of wages including loss of back pay, loss of front pay, loss of amenities of employment, out-of-pocket expenses, emotional damages, pain and suffering, loss of enjoyment of life, loss of reputation, and other similar damages, all to Plaintiff's great detriment.

53. Defendant NJSDA's actions were willful and wanton and thus require the imposition of Punitive Damages.

54. Alternatively, as Defendant NJSDA foregoing conduct was motivated, in part, by discrimination on the basis of race and/or color, Plaintiff is entitled to a charge for mixed-motive discrimination and thus the imposition of attorney's fees.

55. Plaintiff demands equitable relief as deemed appropriate by the Court.

WHEREFORE, Plaintiff, Maribell Osnayo-Lytle, demands all damages and relief from Defendant, New Jersey Schools Development Authority, recoverable under law and as deemed reasonable and just by the Court.

COUNT TWO
Retaliation
Civil Rights Act of 1964 (“Title VII”) 42 U.S.C. § 2000e-2
Plaintiff v. Defendant NJSDA

56. Plaintiff incorporates the foregoing paragraphs as if set forth at length herein.

57. Under Title VII it shall be a violation to retaliate against any person who has complained and/or opposed any conduct that is a violation of Federal discrimination law.

58. Plaintiff engaged protected activity when she complained, and/or specifically when she complained to Mr. Yosha about discrimination on the basis of race and/or color.

59. Defendant took adverse action against Plaintiff, including termination, which was temporally proximate to her protected activity (complaint) such that it is unusually suggestive of retaliation.

60. Alternatively, through a series of Defendant’s antagonistic conduct and/or a series of animus, an inference of retaliation arises.

61. As a direct and proximate result of Defendant’s retaliation, Plaintiff has suffered loss of wages including loss of back pay, loss of front pay, loss of amenities of employment, out-of-pocket expenses, emotional damages, pain and suffering, loss of enjoyment of life, loss of reputation, and other similar damages, all to Plaintiff’s great detriment.

62. Defendant’s actions were willful and wanton and thus require the imposition of Punitive Damages.

63. Plaintiff demands equitable relief as deemed appropriate by the Court.

WHEREFORE, Plaintiff, Maribell Osnayo-Lytle, demands all damages and relief from Defendant, New Jersey Schools Development Authority, recoverable under law and as deemed reasonable and just by the Court.

COUNT THREE
Age Discrimination and Disparate Treatment
Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. §621 *et. seq.*
Plaintiff v. Defendant NJSDA

64. Plaintiff incorporates the foregoing paragraphs as if set forth at length herein.

65. Defendant is an employer under the ADEA, 29 U.S.C. §630, as it is engaged in an industry affecting commerce and has/had twenty (20) or more employees for each working day in each of twenty (20) or more calendar weeks, in the current or preceding calendar year.

66. Plaintiff is an employee under the ADEA as she is an individual employed by an employer.

67. Plaintiff is protected under the ADEA as she is forty-seven (47) years of age and therefore at least forty (40) years of age.

68. Plaintiff is protected under the ADEA from discrimination and disparate treatment in relation and/or contrast to individuals substantially younger.

69. Defendant violated the ADEA by disparately treating Plaintiff based on age by disparately treating, disciplining, and ultimately terminating Plaintiff as alleged *supra*.

70. Defendant replaced Plaintiff with a substantially younger individual.

71. Plaintiff disputes her termination as pretext to age discrimination.

72. At all times, Plaintiff was qualified and capable for her position.

73. As a direct and proximate result of Defendant NJSDA’s discrimination and disparate treatment, Plaintiff has suffered loss of wages (backpay), and loss of benefits up through

the date of any determination.

74. As Defendant NJSDA's actions were willful and/or Defendant NJSDA showed a reckless disregard for whether its discriminatory and disparate conduct was/were prohibited, Plaintiff is entitled to liquidated damages, which doubles the Plaintiff's backpay damages.

75. As a direct and proximate result of Defendant NJSDA's discrimination and disparate treatment, Plaintiff has suffered loss of wages and loss of benefits into the reasonable future (front pay), and thus Plaintiff is entitled to a present-day value for those lost future earnings.

76. Plaintiff further seeks equitable remedies including a change to Defendant NJSDA's discriminatory conduct and/or reinstatement.

WHEREFORE, Plaintiff, Maribell Osnayo-Lytle, demands all damages and relief from Defendant, New Jersey Schools Development Authority, recoverable under law and as deemed reasonable and just by the Court.

COUNT FOUR
Retaliation
Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. §621 *et. seq.*
Plaintiff v. Defendant NJSDA

77. Plaintiff incorporates the foregoing paragraphs as if set forth at length herein.

78. Plaintiff took protected activity when she made a complaint to Mr. Yosha, and others, about age discrimination.

79. It is alleged and believed Mr. Yosha informed Defendant Delgado-Polanco of Plaintiff's complaint and/or other individuals informed Defendant(s) of her complaints.

80. Defendant NJSDA took an adverse action against Plaintiff when it/they disciplined and subsequently terminated Plaintiff.

81. Defendant NJSDA's adverse actions was/were temporally proximate to Plaintiff's

protected activity (complained) such that it is unusually suggestive of retaliation.

82. Alternatively, there is evidence of antagonism and/or animus from the protected activity to Plaintiff's termination such that an inference of retaliation arises.

83. As a direct and proximate result of Defendant NJSDA's retaliation, Plaintiff has suffered loss of wages including loss of back pay, loss of front pay, loss of amenities of employment, out-of-pocket expenses, emotional damages, pain and suffering, loss of enjoyment of life, loss of reputation, and other similar damages, all to Plaintiff's great detriment.

WHEREFORE, Plaintiff, Maribell Osnayo-Lytle, demands all damages and relief from Defendant, New Jersey Schools Development Authority, recoverable under law and as deemed reasonable and just by the Court.

COUNT FIVE

Race, Color, and Age Discrimination and Disparate Treatment
New Jersey Law Against Discrimination ("NJLAD"), N.J.S.A. 10:5-1 *et. seq.*
Plaintiff v. Defendants

84. Plaintiff incorporates the foregoing paragraphs as if set forth at length herein.

85. Defendant NJSDA is an employer under the New Jersey Law Against Discrimination ("NJLAD") because it is a state or political or civil subdivision thereof. N.J.S.A. 10:5-5(e).

86. Defendant Lizette Delgado-Polanco is also an employer and/or subject to liability under the NJLAD because she is a person or an individual. N.J.S.A. 10:5-5(a).

87. The NJLAD makes it an unlawful employment practice, among others, for an employer because of race, creed, color, national origin, ancestry, age, marital status, etc... discrimination against such individual in compensation or in terms, conditions or privileges of employment. N.J.S.A. §10:5-12.

88. Defendants violated the NJLAD by having discriminated against, disparately treated, and terminated Plaintiff as alleged *supra*.

89. As a direct and proximate result of Defendants' discrimination, Plaintiff has suffered loss of wages including loss of back pay, loss of front pay, loss of amenities of employment, out of pocket expenses, emotional damages, loss of reputation, and other similar damages, all to Plaintiff's great detriment.

90. Defendant's actions were willful and wanton and thus require the imposition of Punitive Damages.

91. Plaintiff seeks payment of costs and reasonable attorney's fees.

92. Plaintiff seeks equitable relief as deemed appropriate by the Court.

93. Alternatively, as Defendants' considered and/or were motivated by wrongful discrimination, Plaintiff is entitled to a charge for mixed-motive discrimination and thus the imposition of attorney's fees.

WHEREFORE, Plaintiff, Maribell Osnayo-Lytle, demands all damages and relief from Defendant, New Jersey Schools Development Authority and Defendant Lizette Delgado-Polanco, recoverable under law and as deemed reasonable and just by the Court.

COUNT SIX
Retaliation
New Jersey Law Against Discrimination ("NJLAD"), N.J.S.A. 10:5-1 et. seq.
Plaintiff v. Defendants

94. Plaintiff incorporates the foregoing paragraphs as if set forth at length herein.

95. Under the NJLAD: it shall be an unlawful employment action: "for any person to *take reprisals against any person because that person has opposed any practices or acts forbidden under this act* or because that person has filed a complaint, testified or assisted in any

proceeding under this act or to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this act.” N.J.S.A. 10:5-12(d)(emphasis added)

96. Plaintiff engaged in protected activity and/or opposed discrimination forbidden by the NJLAD.

97. Defendants retaliated, took reprisal, and/or took adverse action against Plaintiff all within temporal proximity to Plaintiff’s protected activity/opposition, such that an inference of retaliation arises, as alleged *supra*.

98. Alternatively, there is/are a series of antagonistic and/or series of animus against Plaintiff from which an inference of retaliation arises.

99. As a direct and proximate result of Defendants’ discrimination, Plaintiff has suffered loss of wages including loss of back pay, loss of front pay, loss of amenities of employment, out-of-pocket expenses, emotional damages, loss of reputation, and other similar damages, all to Plaintiff’s great detriment.

100. Defendants’ actions were willful and wanton and thus require the imposition of Punitive Damages.

101. Plaintiff seeks payment of costs and reasonable attorneys fees.

102. Alternatively, as Defendants’ considered and/or were motivated by wrongful discrimination, Plaintiff is entitled to a charge for mixed-motive discrimination and thus the imposition of attorney’s fees.

WHEREFORE, Plaintiff, Maribell Osnayo-Lytle, demands all damages and relief from Defendant, New Jersey Schools Development Authority and Defendant Lizette Delgado-Polanco, recoverable under law and as deemed reasonable and just by the Court.

COUNT SEVEN
Intentional Infliction of Emotional Distress
New Jersey Law Against Discrimination (“NJLAD”) and/or Common Law
Plaintiff v. Defendants

103. Plaintiff incorporates the foregoing paragraphs as if set forth at length herein.

104. A claim for Intentional Infliction of Emotional Distress requires proof that (1) defendant acted recklessly or intentionally; (2) the conduct was extreme and outrageous; (3) the defendant’s action was/were the proximate cause of the distress; and (4) the plaintiff actually suffered severe emotional distress. Buckley v. Trenton Saving Fund Society, 111 N.J. 355 (1988) (citing Restatement, Second, of Torts, §46 (1965)).

105. Defendant NJSDA and Defendant Lizette Delgado-Polanco’s actions were reckless, intentional, extreme, and outrageous and as a result Plaintiff has suffered severe emotional distress.

106. Plaintiff has had loss of sleep, nightmares, feelings of uselessness, anxious distress, depression, and other related emotional distress.

107. As a direct and proximate result of Defendants’ conduct, Plaintiff has suffered, including but not limited to, wage loss, loss of benefits, emotional distress, pain and suffering, loss of reputation, and similar damages.

WHEREFORE, Plaintiff, Maribell Osnayo-Lytle, demands all damages and relief from Defendant, New Jersey Schools Development Authority and Defendant Lizette Delgado-Polanco, recoverable under law and as deemed reasonable and just by the Court.

COUNT EIGHT
CEPA Violation and Retaliation
Conscientious Employee Protection Act (“CEPA”), N.J.S.A. §§34:19-1 – 34:19-8
Plaintiff v. Defendants

108. Plaintiff incorporates the foregoing paragraphs as if set forth at length herein.

109. Defendant NJSDA is an employer under N.J.S.A. §34:19-2(a) as it is a “...branch of state government, or the several counties and municipalities thereof, or any other political subdivision of the state, or a school district, or any special district, or any authority, commission, or board or any other agency or instrumentality thereof.”

110. Defendant Lizette Delgado-Polanco is an employer under N.J.S.A. §34:19-2(a) as she is “any individual ... or any person ... acting directly or indirectly on behalf of or in the interest of any employer with the employer’s consent...” N.J.S.A. §34:19-2(a).

111. Under N.J.S.A. §§34:19-3 “An employer shall not take any retaliatory conduct against an employee because the employee does any of the following ... discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer ... that the employee reasonably believes: (c)(1) is in violation of a law, or a rule or regulation promulgated pursuant to law ... [and/or] (c)(3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment.” N.J.S.A. §34:19-3(c)(1) & (3) and also N.J.S.A. §34:19-12.

112. Plaintiff made a good faith verbal complaint and/or engaged protected activity when she complained about: the unethical hiring, rule violations, excessive wage and salary setting, nepotism, violation of Executive Order 8, and other unethical practices ongoing at Defendant NJSDA, which Plaintiff reasonably believed to be in violation of law, statute, policies, ethics rules, regulation, and/or clear mandate of policy regarding public welfare.

113. Plaintiff reasonably believed and complained of the violations of hiring procedures and nepotism rules and the hiring of persons without interview violated clear mandates of public policy and rules at Defendant NJSDA.

114. Plaintiff believed and complained Defendant(s) conduct violated set pay ranges and rules of ethics.

115. Plaintiff believed and complained the setting of extremely high salaries and appointment of external individuals to elevated and newly created roles was violative of rules and/or public welfare.

116. Plaintiff believed and complained that violating the timeline for Executive Order 8 and other conduct to avoid detection and evade Defendants internal measures was a violation of rule and public policy.

117. Plaintiff made her complaints to a supervisor level employee and/or the Chief Operating Officer, as well as other individuals.

118. Plaintiff was retaliated against and subject to adverse action when she was terminated within eight (8) days of her complaints/protected activity.

119. The temporal proximity between Plaintiff's complaint and her termination and/or a series of antagonistic and/or animus raise an inference that her termination was/were retaliatory.

120. As a direct and proximate result of Defendant's retaliation, Plaintiff has loss of wages, loss of benefits, loss of other remunerations, emotional damages, among other damages.

121. Plaintiff seeks reinstatement and punitive damages, as Defendant's conduct was willful and wanton.

122. Plaintiff seeks attorney's fees and reasonable costs.

WHEREFORE, Plaintiff, Maribell Osnayo-Lytle, demands all damages and relief from Defendant, New Jersey Schools Development Authority and Defendant Lizette Delgado-Polanco, recoverable under law and as deemed reasonable and just by the Court.

DEREK SMITH LAW GROUP, PLLC



By: _____
Christopher J. DelGaizo, Esquire
Attorney for Plaintiff

1835 Market Street, Suite 2950
Philadelphia, PA 19103
T: (215) 391-4790
Email: Chris@dereksmithlaw.com

Date: September 16, 2019

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

MARIBELL OSNAYO-LYTLE

(b) County of Residence of First Listed Plaintiff BURLINGTON

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

THE DEREK SMITH LAW GROUP, PLLC 215-391-4790
1835 MARKET STREET, SUITE 2950, PHILADELPHIA, PA 19103

DEFENDANTS

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY AND
LIZETTE DELGADO-POLANCO

County of Residence of First Listed Defendant MERCER

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			IMMIGRATION	FEDERAL TAX SUITS
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC 2000

Brief description of cause:

DISCRIMINATION, DISPARATE TREATMENT, RETALIATION, AND VIOLATION OF CEPA

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

09/13/2019

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE